

To: Vincent Bitetti, Sound Source Unlimited

From: Eric Shapiro, Rock Ridge Enterprises  
(313) 663-0706 voice, 663-8403 fax

Subject: Tektronix Patent

Date: 4/21/93

Pages: 6 Total

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Hi Vincent,

Enclosed find my report on the Tektronix patent infringement matter. Please send me your comments on both the cover letter and the body of the report.

Feel free to forward this to your lawyer, or send me his fax number and I'll fax it to him myself.

Unless I hear from you, I will be uploading this document to several public BBS systems and sharing it with Apple, Microsoft, and several other companies later this week.

Cheers,  
Eric

Rock Ridge Enterprises  
620 Hidden Valley Dr. #102  
Ann Arbor, Michigan 48104  
4/20/93

Frederick Mootry  
Manager, Licensing and Technology Transfers  
Tektronix, Inc.  
P.O. Box 1000, MS 63-Law  
Wilsonville, Oregon 97070

Dear Rick,

On behalf of Sound Source Unlimited, I have examined Tektronix's claim of patent infringement by Sound Source's VisualClips™ products and Rock Ridge's VideoBeep™ application. I have determined that no patent infringement has occurred, and am advising Sound Source against licensing the patent (#5012334) from you.

The reasons for this decision are outlined on the next page and are described in more detail on the pages that follow. If you have any questions or comments, you can contact me at the above address or at the phone numbers below.

In short, we feel that Tektronix's claim is ridiculous, ludicrous, and a complete waste of our time and energy. In addition, we have obtained evidence that the patent was obtained under fraudulent means. If Tektronix decides to pursue the matter, we will file to have the patent revoked and may file charges against your company in civil court to recoup our costs in investigating this matter.

Sincerely,

Eric Shapiro  
(313) 663-0706 voice  
(313) 663-8403 fax

**Rock Ridge Evaluation of Etra '334 Patent. 4/21/93**

## **Decision Outline**

Sound Source's VisualClips product(s) do not violate the Etra '334 patent. Our research on this matter is described in Section 1 of this document.

The Etra '334 patent is not valid for the following reasons:

- A) There were substantially identical systems and technologies in use prior to the patent's filing and/or invention dates.
- B) It fails the "unobvious" requirement of all patents .

Our reasoning on these matters is detailed in Section 2 of this document.

The patent application misappropriates much of its ideas and text from a document given to Grass Valley/Tektronix by a third-party in 1984. Our research on this matter is detailed in Section 3 of this document.

## **Section 1 : Non-Violation of Etra '334**

The patent in question, Etra '334, describes the use of a computer to control external videodisc and videotape machines. Sound Source's VisualClips products do not control external devices, and so any possible violation is questionable at best.

The Patent Office generally frowns upon software-only patents. It is therefore unlikely that software alone can violate your software/hardware combination patent.

VideoBeep does not index motion picture sequences, but instead maintains pointers to computer disk files. All computer file systems and most relational database programs use a similar type of file organization. Computer file systems have been around since the 1950's, so your patent obviously cannot apply to our method of accessing disk files.

Computer animation file formats have been around for decades as well. The VisualClips/QuickTime file format is simply an animation format and thus cannot infringe on your patent. We believe that, within the claims of the patent, "video motion picture sequences" applies only to analog video and not digitized computer animations. The patent makes no reference to storing digitized video on floppy disks, CD-ROM, hard disk, or any other digital media. Your desire to extend the claims of the patent from storing a laser disc index to the whole world of digital multimedia is a ridiculous stretch of the imagination.

Since our method of accessing files doesn't infringe upon your patent and the files themselves don't infringe upon your patent, the VideoBeep application cannot infringe upon it.

Sound Source's VisualClips libraries are no different than any clip-art or animation libraries, which have existed since 1985. In addition, the purpose of 'Etra 334 is video editing, while the purpose of VisualClips is entertainment.

## **Section 2A : Prior Art**

We have amassed a large collection of similar machines, inventions, and technology that existed prior to your patent. A small sampling of our research is

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listed below. Several of these products use the same methodology as VideoBeep for controlling image sequence playback.

- BBC's Domesday Disc

In the late '70s, the British Broadcasting Corporation created the Domesday Disc, an interactive laser disc using a computer-based index to selectively retrieve video, audio, and still images stored on analog laser discs. This project was very public, as school children throughout Great Britain were asked to participate in its information collection stage. The indices were stored on Acorn computers, which additionally provided a user interface that allowed the selective playback of video sequences.

- 1987 HyperCard Stack

We have located a HyperCard stack dated August 1, 1987 that controls a laser disc player from an Apple Macintosh computer. This program allows users to create on-screen buttons that, when selected with the mouse, cause the laser disc player to play particular sequences of video. This application is based upon an even earlier laser disc control program dated 1985.

- Dragon's Lair Video Game

One of the creators of Dragon's Lair, a popular video game in the early 1980's, has indicated that the game worked by using a computer to control playback of a laser disc player. The image sequences on the laser disc were indexed and stored on the computer. The determination of which sequence to play was dependent on user interactions using the machine's joystick control. This is practically identical to VideoBeep's method of controlling image playback by monitoring mouse and keyboard usage.

- Application Research Article

We have a copy of a 1985 article from Application Research magazine that details controlling a laser disc player from a computer. The article includes source code for accessing video image sequences from an Apple Macintosh by connecting it to a laser disc player.

- EditDroid, CMX, etc

Several video editing systems based on laser disc image storage and retrieval existed prior to your "invention". LucasFilm's EditDroid, for example, was introduced in the mid-eighties at the National Association of Broadcasters convention.

- MIT Media Labs Projects

Former and current members from the Massachusetts Institute of Technology's media lab have indicated that the lab did substantial work connecting laser disc players to computers and indexing image sequences starting in the late 1970's.

- RollerCoaster

RollerCoaster was an interactive video game that utilized an Apple II computer hooked into a laser disc player. The source code for the game was printed in Creative Computing Magazine in the early 1980's.

- PGTS Precision Gunnery Training System

The PGTS Precision Gunnery Training Systems has been used by the US

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military and several other nations for “at least 10 years.” It uses laser disc players hooked into computers to provide battle simulations. The image sequences are indexed and, once again, the determination of which sequence gets played is directed by user interactions with various onboard controls.

- The Defense Mapping Agency's ADRG Project

The Defense Mapping Agency's ARC Digital Raster Graphic project developed and produced, on CD-ROM, digital images of paper charts. The charts were/are viewed as sequences of images, much like VisualClips. The technical advisor to the development team indicated that the project started in 1987.

The sale of a "library" of image sequences is not a patentable quantity, since libraries of stock film have been available for fifty years and libraries of image sequences on videotape and videodisc have been available for more than a decade. Video rental stores use computer indices to locate their video inventory, and these systems also pre-date your patent by several years.

## Section 2B : Obviousness

Tektronix's so-called "invention" is about as obvious a use of computers as possible. Computers have been used since the late 1950's to index everything from employee lists, company inventories, phone numbers, and even home recipes. The notion that the "process" of indexing a different type of data is a patentable "invention" is ridiculous.

We have shown the patent to dozens of computer and video professionals and **not a single one** believed that the patent was unobvious. Perhaps the most damning statement comes from Harvey Dubner, founder of Dubner Computer Systems (the company that was originally granted the patent). Harvey stated that "everybody was shocked" when the patent application was approved and that he himself was "rather surprised we got the patent."

## Section 3 : Grass Valley's Improper Use of Third-Party Material

We have received information that Grass Valley was given a business plan by Sharon Ericson, an independent businesswomen, in 1984-85. After reading your patent, Ms. Ericson indicated that **the primary ideas, as well as several passages, were taken directly from her business plan!**

Sharon had met with the Administrative and Technical staff of Grass Valley, including people from Dubner Computer Systems. Grass Valley had access to her technical manual under a non-disclosure agreement, but failed to return the document when she requested it back.

The seriousness of this portion of our investigation cannot be understated. Ms. Ericson is extremely angry that her ideas were misappropriated and has agreed to help our company should Tektronix pursue this matter.

In addition, we believe that the misappropriation of Ms. Ericson's ideas and work and the non-mention of them in the patent application constitutes fraud on the part of Grass Valley. Besides invalidating the patent, these facts open up Tektronix to civil suits by those receiving infringement letters.

## **Conclusion**

The 'Etra 334 patent is not valid for the many reasons discussed above. Even if it is shown to be valid, VisualClips and VideoBeep do not infringe upon it anyway. In addition, the "borrowing" of ideas and text from Sharon Ericson's business plan is potentially a serious violation of both patent and trade secret laws.

For these reasons, we suggest Tektronix discontinue trying to license the patent and instead donate it to the "public good." A lengthy legal battle serves no purpose and will simply waste more of everyone's time and money.